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• Response to Official Action

Dated 5 June 2006

Re: USSN 10/028,236

Page 35

REMARKS / ARGUMENTS

In the Official Action, the Examiner begins with objections to the specification. As the Examiner will note, the specification has been extensively amended to (i) address the points raised by the Examiner, (ii) to address other typographical, editorial and/or syntactical errors and (iii) to bring the statements of invention into somewhat closer alignment with the claims as amended herein.

The Examiner inquired about the dependency of claim 20. The Examiner is thanked for pointing out this issue. The dependency of that claim has been corrected.

The Examiner objected to claims 4-6, 12-13, 16, 28, and 34-35 under 37 CFR 1.75(c). These claims have either been amended to address this issue or cancelled. It is believed that with the entry of this amendment that this grounds for objection now falls away.

Claim 36 was rejected under 35 USC 112, first paragraph. This rejection is now moot as that claim has been cancelled.

Claims 20 - 21 were rejected under 35 USC 101. Claim 20 has been amended to address the issue raised by the Examiner. However, the rejection of claim 21 is improper since no justification was presented for rejecting that claim.

Claims 1-6, 8-13, 16-19 and 33-38 was rejected under 35 USC 103 as being unpatentable over Stettner in view of Kaiser. This grounds for rejection is respectfully traversed.

The Examiner admits that Stettner does not anticipate all of the elements of the rejected claims. So the Examiner attempts to combine Stettner with Kaiser. The alleged justification for combining these references in the manner suggested can be found on page 11 of the Official Action. The Examiner asserts that it would have been obvious to "modify Stettner with Kaiser in order to include a selector to select an image component composing an image consisting

of the video information for the benefit of providing a visual indication to a user that allows the user to easily recognize that more information is available for a product shown within the programming." [emphasis added].

The Applicant respectfully requests the Examiner to compare that statement with the following paragraphs of applicant's own disclosure: 0057, 0092, 0094, 0121, and others.

It is submitted that the motivation for combining Stettner and Kaiser is coming straight out of applicants' own disclosure as opposed to from the prior art. Please note in particular the observation about the "product shown within the programming". Where is that hinted at outside of applicants' disclosure?

Note Stettner's figure 4, the airline advertisement. That is hardly a "product shown within the programming" to quote the motivational language used by the Examiner. It looks like a pop-up advertisement as opposed to "a product shown within the programming". In bright contrast, compare that to applicants' figure 7 wherein the highlighted product certainly is "a product shown within the programming". Again, the Examiner should not be using applicants' own disclosure against them.

Moreover, it is not understood why a person of ordinary skill would want to modify Stettner. Note, in particular the 'buy' button 404 on the aforementioned figure 4 of Stettner which, according to paragraph 0050 of Stettner, "indicates the availability of enhanced content". So exactly what problem does Stettner have that is addressed somehow by Kaiser? How would Kaiser's teaching of a content integrator 1310 address any issue associated with Stettner's ability to direct the user to "enhanced content (e.g., product supplemental information)" using Stettner's buy button 404?

New claim 39 recites that "the selector is responsive to a user-manipulated input device for generating a product information request signal in response thereto and wherein the producing unit is responsive to the product information request signal to produce said specification information indicative

• Response to Official Action
• Dated 5 June 2006
• Re: USSN 10/028,236
• Page 37

of the selected image component." See, e.g., paragraphs 0057 and 0058 of the present application.

Claim 1 has been amended to refer to a "broadcasted program" to make it clear that the selector selects "at least any one of static and dynamic image components composing an image consisting of the video information included in the received broadcast program" to help distinguish the image from a mere advertisement of the type disclosed by Stettner. Claim 9 has been amended in a somewhat similar fashion. See, for example, paragraph 0009 of the present application for support.

Some independent claims are amended while others are not. The bottom line is the rejection based on Stettner and Kaiser is improper. The Examiner has not made a *prima facie* of obviousness in the manner required by the MPEP. See MPEP sections 2142 and 2143. Note that "the fact that the references can be combined is not sufficient to establish *prima facie* obviousness" (MPEP § 2143.01 III).

Withdrawal of the rejections and allowance of the claims are respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Response to Official Action

Dated 5 June 2006

Re: USSN 10/028,236

Page 38

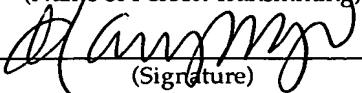
I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

05 October 2006

(Date of Transmission)

Mary S. Ngo

(Name of Person Transmitting)



(Signature)

05 October 2006

(Date)

Respectfully submitted,



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